



DELHI ADMINISTRATION
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**Notifications of Departments of the Delhi Administration
other than notifications included in Part I**

NOTIFICATIONS

(Development Department)

Delhi, the 6th January 1964

No. 100 IG/63/1052.—In exercise of the powers conferred by section 4 of the Livestock Importation Act, 1898 (Act 9 of 1898), the Chief Commissioner of Delhi hereby makes the following rules, namely:—

1. **Short title and commencement.**—These rules may be called the Delhi Livestock (Import) Quarantine Rules, 1963.

2. **Definitions.**—In these Rules, unless the context otherwise requires,—

- (a) 'carcass' means the carcass of livestock and includes the flesh, bones, skin, hoofs, offal, feathers or any other part of any dead livestock separately or any portion thereof;
- (b) 'diseased' means suffering from any infectious or contagious disorder;
- (c) 'import' means to bring into the Union Territory of Delhi from any place outside India;
- (d) 'importer' means a person in whose name the bill of lading is made;
- (e) 'exporter' means the person who is the owner of Livestock in the country of export;
- (f) 'quarantine' means detention and segregation of livestock newly arrived for observation and testing in order to keep such livestock separate from other livestock for the prescribed period;
- (g) 'schedule' means a schedule annexed to these rules;
- (h) 'valid certificate' means a certificate which is in respect of—

- (1) Livestock (other than poultry) imported from any country included in column (2) of Schedule I granted by the authority specified in column (3) thereof to the effect that such livestock was examined within thirty days prior to the embarkation and found to be free from all signs and symptoms of diseases specified in Schedule II and that in respect of diseases specified in Schedule III such livestock was subjected to the tests specified therein with negative results within thirty days prior to actual embarkation:

Provided that in the case of dogs and cats originating from countries where rabies infection is known to exist, there shall, in addition, be a certificate containing a record of the date of vaccination, the vaccine used, brew number of vaccine and the name of the production laboratory and granted by the authority specified in column (3) of Schedule I to the effect that the dog/cat was vaccinated against rabies more than one month but within twelve

months prior to actual embarkation with nervous tissue vaccine or within thirty-six months prior to actual embarkation with chicken embryo vaccine, both the vaccines having previously passed satisfactory potency tests.

- (2) poultry, including day old chicks, imported from any country specified in column (2) of Schedule I, granted immediately prior to embarkation containing a statement signed by the authority prescribed in column (3) thereof to the effect that—
- (i) the flocks which the consignment of poultry is drawn have been free from the diseases listed at E2 to E7 and E9 to E14 in Schedule II for a period of at least three months prior to embarkation and in respect of disease listed at E8, the flocks from which the consignment of poultry has been drawn, should have been free from the disease for a period of at least one year prior to embarkation;
 - (ii) in respect of Avian Leucosis Complex mentioned at E1 in Schedule II, the flocks, from which the consignment of poultry is drawn have been regularly inspected by a Government Veterinary Officer over a period of not less than three months and that these inspections have not disclosed the presence of any case of Avian Leucosis Complex nor has any case of this disease been reported and that day old chicks contained in this consignment have not been in contact with any adult birds;
 - (iii) in respect of diseases listed in Schedule III the adult poultry birds which are either themselves being exported or from which day old chicks or immature chickens are included in the consignment were subjected to the tests specified therein with negative results immediately prior to embarkation;
- (b) 'declaration' means a written statement given by the exporter or his authorised agent; and
- (c) 'Veterinary Officer' means the Deputy Director, Animal Husbandry, Delhi Administration and includes any other officer authorised by the Chief Commissioner to perform all or any of the duties prescribed in these rules.

3. Imported livestock to have a valid certificate.—No livestock shall be imported except alongwith a valid certificate.

4. Declaration to be made by the exporter in certain cases,—In addition to the valid certificate, in the case of day old chicks, there shall be a declaration made by the exporter that the chicks were—

- (i) hatched in an incubator in which no eggs from infected birds had been hatched and that the incubator was properly fumigated and disinfected prior to hatching; and

- (ii) packed direct from the incubator into new boxes for export and that there was no contact with any birds other than day old chicks.

5. Responsibility of the Importer/Delhi Animal Husbandry Department in respect of imported poultry.—The imported birds shall be kept under observation for a period of at least twenty-one days and the imported baby chicks for a period of at least fifty-six days on the premises of the importer. It shall be incumbent on the part of the importer to notify to the Animal Husbandry Department any losses due to deaths among the imported birds during the above mentioned period and also make available any such dead birds for examination. It shall be the duty of the Animal Husbandry Department to see that all the imported birds under observation are regularly inspected so as to ensure that such birds are free from diseases.

6. Information to be given by the Commander of aircraft of the.—The Commander of an aircraft shall,—

- (i) Allow the Veterinary Officer all facilities for inspecting the livestock on board and at the places they have been quartered;
- (ii) furnish the Veterinary Officer with such detailed information as he may require as to
 - (a) the numbers and kinds of livestock originally taken on board;
 - (b) the place or places at which the livestock was taken on board;
 - (c) the names and addresses of the persons to whom the livestock is consigned;
 - (d) the occurrence of any sickness/death among the livestock during voyage, flight and their suspected causes;
- (iii) not permit the landing of any livestock, any fodder, dung, stable-litter, clothing, harness or fitting which has been in contact with or appertains to such livestock until the Veterinary Officer has made his inspection and then only in accordance with such directions as the Veterinary Officer may, under these rules, be authorised to give.

7. Inspection by Veterinary Officer.—On receiving intimation that livestock is on board/aircraft/landing at the aerodrome, the Veterinary Officer shall, without delay, go on board aircraft and inspect the livestock and the places therein where the livestock has been quartered.

8. Detention in quarantine.—The Veterinary Officer may order the detention in quarantine of any imported livestock provided that—

- (a) livestock accompanied by a valid certificate shall not be liable to detention in quarantine unless an outbreak of an infectious or contagious disorder or any death has occurred among the livestock on board aircraft/flight/passage to India;
- (b) any livestock which at the time of importation is the property of the Government or has been imported in accordance with the instructions given by a Government department on whose authority livestock is imported and has been certified to be free from disease by a Veterinary Officer authorised for this purpose by that department; shall not be liable to detention in quarantine.

If any question arises as to whether a certificate under which livestock has been imported is valid or not, the decision of the Veterinary Officer, subject to the provisions of rule 23, shall be final.

9. Period of detention in Quarantine.—The duration of quarantine may, at the discretion of the Veterinary Officer, extend to a period not exceeding ninety days and the livestock may be detained in quarantine at such places and in such manner as the Veterinary Officer may direct.

10. Removal to Quarantine.—All livestock ordered under rule 8 to be detained in quarantine shall be removed from the aircraft/vehicle by the importer or his authorised agent at such time and in such manner as the Veterinary Officer may direct and taken to the place of quarantine by the importer or his authorised agent.

11. Control of animals in quarantine.—All livestock detained in quarantine shall be under the control of the Veterinary Officer.

12. Payment of charges.—All expenses in connection with the landing aircraft and removal to quarantine of the livestock including the payment of customs dues, port dues and all expenses incurred in feeding the livestock in quarantine shall be borne by the importer.

13. Vaccination and Quarantine of unvaccinated dogs and cats.—(1) Unvaccinated dogs and cats originating from countries where rabies exists shall be vaccinated on arrival and quarantined for a period of thirty to forty-five days and during this period the entire cost of maintenance, feeding and other expenses shall be borne by the importer;

(2) Unvaccinated dogs and cats originating from countries free of rabies and not exposed to rabies infection enroute shall be vaccinated on arrival and kept under restraint by the importer for one month.

The cost of vaccination in both the cases shall be borne by the importer.

14. Disposal of eggs laid during transit.—In case any eggs are laid during transit and remain unhatched they shall be disposed of in such manner as may be prescribed by the Veterinary Officer.

15. Treatment of diseased livestock.—Any imported livestock which the Veterinary Officer finds to be diseased shall (for reasons to be recorded in writing) be directed to be destroyed and the carcass buried or cremated and no compensation shall be payable to the importer.

16. Disposal of litter etc. of diseased livestock.—All fodder, dung, stable-litter, clothing harness or fitting that may have been in contact with or appertain to diseased livestock shall be disposed of in such manner as the Veterinary Officer may direct. The clothing, harness or fitting not returned to the importer after disinfection may be directed to be sold by the Veterinary Officer and the proceeds thereof shall be refunded to the importer or his authorised agent after deducting any charges due from him.

17. Disinfection.—(1) The Veterinary Officer may by notice require the Commander of the aircraft on which livestock has been imported to have the aircraft disinfected within such time and in such manner as he may specify therein.

(2) The Veterinary Officer may examine the aircraft to satisfy himself that such disinfection has been properly carried out, and the Commander of the aircraft shall afford him all reasonable facilities for making such examination and shall comply with such further instructions as the Veterinary Officer may, on making such examination, think fit to give to ensure the full and proper disinfection of the aircraft.

18. Payment of quarantine charges.—In respect of every head of livestock detained in quarantine the importer or his authorised agent shall deposit, within five days of landing of such livestock, a sum of Rs. 50/- with the Veterinary Officer and further sum of Rs. 50/- after the expiry of fifteen days from the date of landing. The amount charged shall ordinarily be at the following rates, unless the Veterinary Officer orders otherwise, namely:—

Horses and ponies	Rs. 4.00 per animal per diem.
Asses and mules	Rs. 3.00 per animal per diem.
Bulls, cows, bullocks and buffaloes	Rs. 2.50 per animal per diem.
Calves, sheep, goats, swine, dogs and cat	Rs. 1.50 per animal per diem.
(i) One bird	Rs. 0.50 per diem.
(ii) Flock of 4 to 6 birds	Rs. 2.00 per diem and every additional bird @ Re. 0.25 per diem.
(iii) Chickens under one months.	(a) Flock of 25 or less Re. 1.00 per diem;
	(b) Every additional flock of 5 or less Re. 0.12 per diem, subject to a maximum of Rs. 2.50 for 100 chickens; and for every additional 100 chickens (or fraction thereof) Re. 1.00 per diem.

If special diet, veterinary aid or test, as prescribed by the Veterinary Officer, is found necessary, the actual cost incurred shall be paid by the importer. If permission to feed the livestock is given to the importer or his authorised agent, the quarantine fee shall be charged at the following rates, namely:

- (i) Re. 1.00 per diem for each head of horses, asses, mules, bulls, cows, bullocks and buffaloes;
- (ii) Re. 0.50 per diem for each head of calves, sheep, goats, swine, dogs and cats;
- (iii) Re. 0.50 per diem upto 25 birds/chickens;
- (iv) Re. 1.00 per diem upto 100 birds/chickens;
- (v) Re. 0.50 per diem for every additional 100 birds/chickens (or fraction thereof).

19. Released from quarantine.—The livestock detained in quarantine shall not be released except with the permission of the Veterinary Officer, which shall not be granted until the livestock is certified to be free from disease and all charges incurred in connection with its detention have been paid.

20. Sale on default of payment of charges.—(1) In default of payment of charges due on account of any livestock such livestock shall be sold by public auction and the charges shall be deducted from the amount realised and the balance paid to the importer or his authorised agent. In case the amount realised falls short of the amount due then, the balance may be recovered from the importer in such manner as may be prescribed by the State Government.

(2) If any livestock is not removed by the importer within seven days of the issue of notice to that effect signed by the Veterinary Officer, such livestock shall be sold by public auction and the proceeds shall after deducting the charges incurred in connection with the detention and auction of the such livestock, be deposited in the Government treasury.

21. Certificate of freedom from diseases.—The importer, or his authorised agent, on payment of a fee of Rs. 16.00 or Rs. 5.00 per head of livestock (except poultry), whichever is greater, shall be entitled, on demand to a certificate to the effect that the livestock has been subjected to the required tests and has been found free from the diseases specified in Schedule III. In the case of poultry a fee of Rs. 5.00 or Re. 1.00 per head of poultry including chickens, whichever is greater, shall be charged.

22. Poultry.—A person guilty of a breach of any of the rules shall be punishable with fine which may extend to one thousand rupees in respect of each such breach.

23. Right of appeal.—An appeal from an order passed by the Veterinary Officer, under any of these rules other than rule 15 shall lie to the Development Commissioner, Delhi within a period of fifteen days from the date of such order.

24. Right of review.—Any order passed by the Development Commissioner, Delhi, under rule 23 may be reviewed by the Chief Commissioner.

SCHEDULE I

(See Rule 2)

Countries from which valid certificates shall be accepted

Serial No.	Countries	Authorities
(1)	(2)	(3)
1	United Kingdom	Any Veterinary Surgeon approved by Government.
2	Irish Free States	Do.
3	Canada	Permanent Inspectors of the Health of Animal Branch of the Federal Department of Agriculture.
4	Ceylon	Government Veterinary Surgeon, Colombo.
5	Union of South Africa	Qualified Veterinary Surgeon, approved by the Union of South Africa, Veterinary Department.
6	Australia	Veterinary Inspectors of the Stock Branch of the Department of Agriculture of the various territories of the Commonwealth.
7	Egypt	Government Veterinary Surgeon.
8	United States of America	Any Veterinary Surgeon approved by Government.
9	New Zealand	Veterinary Inspectors of the Agriculture Department.
10	Kenya Colony	Government Veterinary Surgeon.
11	Straits Settlements	Do.
12	Pakistan	Government Veterinary Officer (Class I) or Chief Veterinary Officer.
13	Burma	Veterinary Officer, Corporation of Rangoon.
14	Italy	Mayor of Municipality of the area of export together with the certificate of local Veterinary Officer.
15	France	Director of Veterinary Department, countersigned by the Inspector General of Veterinary Department, Ministry of Agriculture.
16	Switzerland	Managing Director of Federal Veterinary Officer.
17	West Germany	Government Veterinary Officer.
18	Denmark	Recognised Veterinary Officer, countersigned by the Veterinary Directorate.
19	Netherlands	Government Veterinary Inspector.

SCHEDULE II

(See Rule 2)

Item	In English	In French	In Spanish	In Latin
(1)	(2)	(3)	(4)	(5)
A. Horses, asses and mules.	1. South African Horse sickness 2. Epizootic lymphangitis	Peste Du Cheval Lymphangite epizootique	Peste equina Linfangitis epizootica	Pestis equorum Lymphangioitides epizootica
	3. Ulcerative lymphangitis	Lymphangite ulcereuse bacterienne	Linfangitis uncerosa bacteriana	Lymphangicitis bacteritica
	4. Sporotrichosis . . . . .	..	..	..
	5. Trypanosomiasis	Trypanosomiase	Tripanosomiasis	Trypanosomiasis
	(i) Dourine	Maladie du coit	..	..
	(ii) Mal de caderas (b)	Flagellose Paresiante	Peste de caderas	Exanthema coitale paralyticum
	(iii) Surra . . . . .	—	..	..
	6. Babesiosis	Babesiellrose (Piroplas- moseequine)	Babesiosis	Babesiosis

(1)	(2)	(3)	(4)	(5)
	7. Borna disease	Maladie de Borna	Meningoencephalities enzootica	Meningo-encephalitis enzootica
	8. Equine encephalomyelitis .	Encephalomyelite enzootique du cheval	Encephalomyelitis equina	Meningo-encephalomyelitis enzootica equorum
	9. Contagious equine pleuropneumonia	Pasteurellose du cheval	..	Influenza catarrhalis Z-cryspelatos ^a et pectoralis.
	10. Equine Infectious anaemia	Anemie infecuosadu cheval	Anemia infecciosa equina	Anaemia Infectiosa equorum
	11. Vesicular stomatitis .	Stomatite vesiculeuse contagieuse	Estomatitis vesiculosa especifica	Stomatitis vesicularis secifica.
B. Bulls, cows, bullocks and buffaloes	1. Anaplasmosis	Anaplasnose	Anaplasmosis	Anaplasmosis
	2. Piroplasmosis . . . .	..	..	..
	3. Trypanosomiasis	Trypanosomiasis	Tripanosomiasis	Trypanosomiasis
	4. Contagious bovine Pleuropneumonia (a)	Peripneumonie contagieuse des bovines	Perineumonia contagiosa bovina	Pleuropneumonia contagiosa bovum
	5. East coast fever	Fievre cotiera	..	..
	6. Rinderpest	Peste bovina	Peste bovina	Pestis bovina
	7. Malignant catarrhal fever .	Mal de tete de contagion coryza gangreneux	..	Coryza gangraenosa bovum
	8. Heart water	Rickettsia ruminantium infection	Infecciones Rickettsia ruminantium	Infectiosa Rickettsis ruminantium
C. Sheep & goats	1. Black disease (Sheep) . .	..	..	..
	2. Blue tongue (Sheep) . . .	Fievre catarrhale du mouton	Lengua azul	Febris catarrhalis ovium
	3. Contagious agalactia . . .	Agalaxie contagieuse	Agalaxia contagiosa	Agalaxia contagiosa
	4. Contagious caprine pleuropneumonia	..	..	..
	5. Louping ill (Sheep) . . .	..	..	Encephalomyelitis enzootica
	6. Orf . . . .	..	..	..
	7. Piroplasmosis . . . .	..	..	..
	8. Rinderpest	Peste bovina	Peste bovina	Pestis bovina
	9. Scrapie	Tremblante	Enfermedad de tracion aprurigo lumbar	Paraplexia enzootica ovium.
D. Swine	1. Swine erysipelas	Rouget du porc	Mal rojodel cerdo	Erysipelas suis
	2. Swine fever or Hog Cholera	Peste porcine	Peste Porcina	Pestis suum
	3. Swine influenza	Grippe des porcelets	Gripe del cerdo	Influenza suum
	4. Swine Plague	Pneumonie contagieuse du Porc	..	Speticemia suum
	5. Teschen disease	Encephalomyelite enzootique porcine	Enfermedad de Teschen	Encephalomyelitis enzootica suum.
	6. Virus pneumonia . . . .	..	..	..
	7. Jigger disease (d) . . . .	..	..	..
E. Poultry	1. Avian leucosis complex (c)	Leucose aviaire	Complejo de Leucosis Aviar	Leucosis gallinarum Trichomoniasis intestinalis Avium
	2. Black head of turkeys . .	Tette Nottee	..	..
	3. Chronic respiratory disease	Maladie respiratoire chronique	Enfermedad respiratoria cronica	..
	4. Contagious coryza	Coryza contagieux	Coriza aviar	Coryza avium contagiosa
	5. Fowl Cholera	Cholera des poules	Cholera (o tifus Aviar)	Cholera gallinarum
	6. Fowl plague	Peste aviare	Peste aviar	Pestis avium
	7. Fowl pox	Variote-et Diphteric Aviare	Virulay Diffterovirucla aviar	Variola avium
	8. Infectious laryngotracheitis	Laryngo-tracheite infectieuse	Laryngo traqueitis infecciosa	Laryngo-tracheitis infectiosa
	9. Infections bronchitis . . .	Bronchite infectieuse	Berionquitis	Bronchitis infectiosa avium.
	10. Newcastle disease	Maladie de Newcastle	Enfermedad de Newcastle	Pneumoencephalitis Avium.
	11. Spirochaetosis	Spirochetose	Espiroquetosis	Spirochaetosis
	12. Avian Encephalomyelitis (Epidemic tremor)	..	..	..
	13. Virus Hepatitis of ducks .	Hepatite a' virus due Caneton	Hepatitis virotica de lospatos	..
	14. Jigger Disease (d) . . . .	..	..	..

	(1)	(2)	(3)	(4)	(5)
F. Dogs	1. Aujesky's disease	Maladie d' Aujeszky	Enfermedad de Aujeszky	Paralysis infectiosa bulbaris	
	2. Distemper	Maladie de carrie	Moquillo	Febris catarrhalis et nervosa canum	
	3. Rabies	Rage	Rabia	Rabies	
	4. Leishmaniasis	Leishmaniasis	Leishmaniasis	Leishmaniasis	
	5. Leptospirosis	Leptospirosis	Leptospirosis	Leptospirosis	
G. Cats	1. Rabies	Rage	Rabia	Rabies	
	2. Distemper				

- (a) Applicable to animals imported from Africa including Sudan and South Africa, Asia, Australia and South America.
 (b) Applicable to animals imported from South Africa Brazil, Argentine, Bolivia and Praguay.
 (c) The certificate in this case shall state that the birds imported are from strains of poultry which are free from this disease.
 (d) Applicable to livestock Imported from Port Sudan or Durban or any other place on the East Coast of African between these ports or from any other place notified by the Government of India or being infected.

SCHEDULE III

(See Rules 2 and 20)

Name of the diseases					
Animal	In English	In French	In Spanish	In Latin	Tests
(1)	(2)	(3)	(4)	(5)	(6)
A. Horses, asses and mules.	1. Glanders (a)	Morve	Muermo	Malleus humidus	Mallein test
B. Bulls, Cows, bullocks and buffaloes.	1. Brucellosis 2. Johne's disease 3. Tuberculosis	Brucellose Maladie de Johne Tuberculose	Brucellosis Tuberculosis	Brucellosis Tuberculosis	Agglutination test Johnin test Tuberculin test
C. Sheep and goats	Brucellosis	Brucellose	Brucelosis	Brucellosis	Agglutination test
D. Swine	Brucellosis	Brucellose	Brucelosis	Brucellosis	Agglutination test
E. Poultry	1. Pullorum disease (Bacillary white diarrhoea) 2. Fowltyphoid 3. Psittacosis (Parrots only)	Pullorose Typhose aviaire Psittacose	Pullorosis Tifosis aviar Psitacosis	Morbus Pullorum Typhus gallinarum Psittacosis	Agglutination test Agglutination test Complement fixation test

(a) Animals imported from Australia or New Zealand will be exempted from Mallein test or tests.

By Order,

E.B. REINBOTH,

Development Commissioner and Secretary (Development),
Delhi Administration, Delhi.

Delhi, the 7th February 1964

No. F.15(82)/62-LSG-I.—Whereas it appears to the Chief Commissioner of Delhi that land is required to be taken by Government at the public expense for a public purpose, namely for the Planned Development of Delhi, it is hereby declared that the land described in the specification below is required for the above purpose.

This declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894 to all whom it may concern and under the provisions of section 7 of the said Act, the Collector of Delhi is hereby directed to take order for the acquisition of the said land.

A plan of the land may be inspected at the office of the Collector of Delhi.

No. F.15(82)/62-LSG-II.—Whereas it appears to the Chief Commissioner of Delhi that land is required to be taken by Government at the public expense for a public purpose, namely for the Planned Development of Delhi, it is hereby declared that the land described in the specification below is required for the above purpose.

This declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894 to all whom it may concern and under the provisions of section 7 of the said Act, the Collector of Delhi is hereby directed to take order for the acquisition of the said land.

A plan of the land may be inspected at the office of the Collector of Delhi.

SPECIFICATION

Village	Total Area	Field Nos. or Boundaries
	Big. Bis.	
Mehrauli	7	I 1346/2, 2580/1352/I, 2578, 1351/I.

SPECIFICATION

Village	Total Area	Field Nos. or Boundaries
	Big. Bis.	
Mehrauli	2	I4 1350/2.

Delhi, the 11th February 1964

No. F.15(2)/59-LSG.—Whereas it appears to the Chief Commissioner of Delhi that land is required for a public purpose, namely for the Establishment of a College of Engineering & Technology, it is hereby declared that the land described in the specification below is required for the above purpose.

This declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894 to all whom it may concern and under the provisions of section 7 of the said Act, the Collector of Delhi is hereby directed to take order for the acquisition of the said land.

A plan of the land may be inspected at the office of the Collector of Delhi.

SPECIFICATION

Locality	Total area	Field Nos. or Boundaries
Ber Sarai	59 acres	259/176 pt.
Jia Sarai	19 acres	420/334.

No. F.4(14)/61-LSG.—Whereas it appears to the Chief Commissioner, Delhi that land is likely to be required to be taken by Government at the public expense for a public purpose, namely, for the planned development of Delhi, it is hereby notified that the land in the locality described below is likely to be required for the above purpose.

This notification is made under the provisions of section 4 of the Land Acquisition Act, 1894, to all whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Chief Commissioner is pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person, interested, who has any objection to the acquisition of any land in the locality may within 30 days of the publication of the notification file an objection in writing before the Collector of Delhi.

SPECIFICATION

Name of the village	Total area	Field Nos. or Boundaries
	Big. Bis.	
Wazirpur	1 8	767/514, 769/520, 770/520, 773/520.

No. F.15(48)/63-LSG.—Whereas it appears to the Chief Commissioner, Delhi that land is likely to be required to be taken by the Government at the public expense for a public purpose namely, for the Planned Development of Delhi, it is hereby notified that the land in the locality described below is likely to be required for the above purpose.

This notification is made under the provision of section 4 of the Land Acquisition Act, 1894 to all whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Chief Commissioner is pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested, who has any objection to the acquisition of any land in the locality may within 30 days of the publication of the notification file an objection in writing before the Collector of Delhi.

SPECIFICATION

Village	Total area	Fields Nos. or Boundaries
	Big. Bis.	
Yusafsarai	8 11	36, 331/37/1, 332/37/2 and 38.

Delhi, the 13th February, 1964

No. F.1(20)/61-L&H.—Whereas it appears to the Chief Commissioner, Delhi, that land is likely to be required to be taken by the Government at the public expense for a public purpose, namely for the Planned Development of Delhi, it is hereby notified that the land in the locality described below is likely to be required for the above purpose.

This notification is made, under the provision of section 4 of the Land Acquisition Act, 1894 to all whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Chief Commissioner is pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and to do all other acts required or permitted by that section.

Any person interested, who has any objection to the acquisition of any land in the locality, may, within 30 days of the publication of the notification, file an objection in writing before the Collector of Delhi.

SPECIFICATION

Village or Locality	Total Area	Field Nos. or Boundaries
	Big. Bis.	
Tehar	4 0	2144 Part.

No. F.1(45)/61-L&H.—Whereas it appears to the Chief Commissioner of Delhi that land is required to be taken by Government at the public expense for a public purpose, namely for the Planned Development of Delhi, it is hereby declared that the land described in the specification below is required for the above purpose.

This declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894 to all whom it may concern and under the provisions of section 7 of the said Act, the Collector of Delhi is hereby directed to take order for the acquisition of the said land.

A plan of the land may be inspected at the office of the Collector of Delhi.

SPECIFICATION

Locality or village	Total area	Field Nos. or Boundaries
	Big. Bis.	
Bahapur	2 7	538 min., 539 min.

No. F.4(106)/63-L&H.—Whereas it appears to the Chief Commissioner, Delhi, that land is likely to be required to be taken by Government at the public expense for a public purpose, namely, for the planned development of Delhi, it is hereby notified that the land in the locality described below is likely to be required for the above purpose.

This notification is made under the provisions of section 4 of the Land Acquisition Act, 1894, to all whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Chief Commissioner is pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person, interested, who has any objection to the acquisition of any land in the locality may within 30 days of the publication of the notification file an objection in writing before the Collector of Delhi.

SPECIFICATION

Name of the Village	Total Area	Field Nos. or Boundaries
	Big. Bis.	
Tehar.	1103 3	575, 589, 590, 599, 622, 623, 624, 625, 898, 1258 min., 1259 min., 1272 min., 1274, 1279 min., 1288, 1289, 1290 min., 1292 min., 1299, 1303, 1309

Delhi, the 7th February 1964

Name of the village	Total Area	Field Nos. or Boundaries
	Big. Bis.	
		min., 1312 min., 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1349, 1350, 1351, 1354, 1364 min., 1365 min., 1367, 1368, 1369, 1372, 1377, 1378, 1387, 1388, 1389, 1390, 1391, 1392, 1393, 1395 min., 1403 min., 1404, 1405, 1406, 1407, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1466, 1470, 1473, 1474, 1477, 1479, 1480, 1481, 1482, 1483, 1484, 1485, 1486, 1487, 1488, 1489, 1490, 1491, 1492, 1493, 1494, 1495, 1496, 1497, 1498, 1499, 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, 1508, 1509, 1510, 1511, 1512, 1515, 1516, 1517, 1518, 1519, 1520, 1521, 1522, 1523, 1524, 1525, 1526, 1527, 1528, 1529, 1530, 1531, 1532, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543 min., 1545, 1546, 1547, 1548/1, 1549, 1550, 1551, 1552, 1553, 1554, 1555, 1556, 1557, 1558, 1561, 1562, 1563, 1564, 1566, 1567, 1568, 1569, 1571, 1573, 1574, 1576, 1577, 1578, 1579, 1599, 1600, 1601, 1602, 1606, 1629, 1630, 1635, 1637, 1639, 1640, 1642, 1643, 1645, 1648, 1836, 1837, 1839, 1842, 1843, 1844, 1845, 1846, 1847, 1848, 1850, 1851, 1852, 1853, 1939, 1952, 1953, 1954, 1955, 1956, 1965, 1966, 1967, 1970, 1971, 1972, 1973, 1974, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2073, 2074, 2075, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2100, 2101, 2102, 2103 min., 2104 min., 2105, 2106, 2107, 2108, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2129, 2130, 2131, 2132, 2139, 2136.

No. F.4(106)/63-L&H.—Whereas it appears to the Chief Commissioner of Delhi that land is required to be taken by Government at the public expense for a public purpose, namely, for the planned development of Delhi, it is hereby declared that the land described in the specification below is required for the above purpose.

This declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894 to all whom it may concern and under the provisions of section 7 of the said Act, the Collector of Delhi is hereby directed to take order for the acquisition of the said land.

A plan of the land may be inspected at the office of the Collector of Delhi.

SPECIFICATION

Name of the village	Total area	Field Nos. or Boundaries
	Big. Bis.	
Tehar	94 10	1352, 1353, 1356, 1358 min., 1359 min., 1362, 1363, 1364 min., 1365 min., 1366, 1822/2, 1918 min., 1919 min., 2064, 2065, 2067, 2078, 2079, 2080, 2081 & 2096.

No. F.21(12)/63-Lab.—In exercise of the powers conferred by sub-section (2) of Section 5 of the Minimum Wages Act, 1948 (XI of 1948), read with the Government of India, Ministry of Labour and Employment, Notification No. L.P.24(i), dated the 16th March, 1949, the Chief Commissioner, Delhi, after considering the advice tendered by the Committee constituted vide his Notification No. F.21(7)/62-Labour, dated the 8th August, 1962, and after consulting the Advisory Board set up under Section 7 of the said Act, is pleased to revise, as specified in the Schedule below, the minimum rates of wages fixed under the said Act, for employment on the construction or maintenance of roads or in building operations in the Union Territory of Delhi.

This Notification shall come into force on the 1st March, 1964 from which date the Chief Commissioner's Notification No. F.21(15)/59-I&L(i), dated the 20th September, 1960, shall cease to have effect.

SCHEDULE

Employment on the construction or maintenance of roads or in building operations

Class of employees	Minimum rates of wages inclusive of D.A. and C.A.
A. Unskilled :	
1. Mazdoor Male	Rs. 2.50 nP per day.
2. Mazdoor Female	Rs. 2.25 nP per day.
3. Helper to Mason, Fitter, Carpenter, Painter	Rs. 2.50 nP per day.
4. Chowkidar	Rs. 2.50 nP per day.
5. Adolescent	Rs. 1.80 nP per day.
6. Children	Rs. 1.44 nP per day.
B. Semi-skilled :	
1. Bhisti	Rs. 3.00 nP per day.
2. Glazier	Rs. 5.00 nP per day.
3. Bandhani	Rs. 3.75 nP per day.
4. Driver with single Bullock cart	Rs. 9.25 nP per day.
5. Driver with double Bullock Cart	Rs. 14.00 nP per day.
C. Skilled :	
1. Carpenter Grade I	Rs. 5.75 nP per day.
2. Carpenter Grade II	Rs. 5.00 nP per day.
3. Sanitary Fitter Grade I	Rs. 5.75 nP per day.
4. Sanitary Fitter Grade II	Rs. 5.00 nP per day.
5. Mistry or Supervisor	Rs. 5.75 nP per day.
6. Painter	Rs. 5.00 nP per day.
7. Sprayman for Road	Rs. 3.75 nP per day.
8. Mason Grade I	Rs. 5.75 nP per day.
9. Mason Grade II	Rs. 5.00 nP per day.
10. Black Smith Grade I	Rs. 5.75 nP per day.
11. Black Smith Grade II	Rs. 5.00 nP per day.

D. Clerical and Non-Technical Supervisory Staff :

1. Non-Matriculates	Rs. 80/- per month.
2. Matriculates and non-Graduates	Rs. 95/- per month.
3. Graduates and above	Rs. 115/- per month.

NOTE:—

The rates fixed are inclusive of the payment of weekly off-day and no separate payment would be necessary on this account.

No. F.17(2)/64-Lab.—The Chief Commissioner, Delhi, is pleased to notify the festival and other occasions specified in the schedule below for the purposes of clause (ii) of sub-rule (1) of rule 25 of the Delhi Motor Transport Workers Rules, 1963.

SCHEDULE

1. Republic Day week.
2. Independence Day.
3. Mahatma Gandhi's Birthday.
4. Dussehra.
5. Dewali.

By Order,

JAGMOHAN,

Deputy Housing Commissioner,
Delhi Administration, Delhi.

6. Urs. Khawaja Nizamuddin.
7. Baisakhi.
8. Krishna Janam Ashtami.
9. Ganga Ashnan and Guru Nanak's Birthday.
10. Exhibitions and Fairs.

By Order,

DES RAJ,

Under Secretary (Industries and Labour).
Delhi Admn., Delhi.

Delhi, the 12th February 1964

No. F.19(3)/64 Law.—The following is published for general information of the public:—

HERE REPRODUCE THE CONSTITUTION (AMENDMENT) BILL, 1962 BY SHRI SHREE NARAYAN DAS, M.P., AND THE STATEMENT OF OBJECTS AND REASONS, ANNEXED.

Any person or public body desiring to submit an opinion on the Bill should do so, by the 10th June, 1964 at the latest through the Delhi Administration only and not direct to the Lok Sabha Secretariat or to any Ministry of the Government of India.

AS INTRODUCED IN LOK SABHA ON 16TH NOVEMBER, 1962

Bill No. 74 of 1962

THE CONSTITUTION (AMENDMENT) BILL, 1962

By

SHRI SHREE NARAYAN DAS, M.P.

A

BILL

further to amend the Constitution of India

Be it enacted by Parliament in the Thirteenth Year of the Republic of India as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Constitution (Amendment) Act, 1962.

(2) It shall come into force at once.

2. **Amendment of article 136.**—In article 136 of the Constitution, after clause (2) the following clause shall be inserted, namely:—

“(3) Nothing in clause (1) shall apply to any judgment, decree, determination or order passed or made by any court or tribunal constituted by or under any law relating to election to either House of Parliament or to the House or either House of the Legislature of a State save as provided for by or under any law made by the appropriate Legislature in this respect.”

3. **Amendment of article 226.**—In article 226 of the Constitution, after clause (2) the following clause shall be inserted, namely:—

“(3) Nothing in this article shall be deemed to confer on a High Court powers to issue to any authority as may be provided under sub-clause (b) of article 329 any directions, orders or writs, including writs in the nature of *habeas corpus*, *mandamus*, prohibition, *quo warranto* and *certiorari* or any of them for the enforcement of any rights other than the rights conferred by Part III save as provided for by or under any law made by the appropriate Legislature in this respect.”

4. **Amendment of article 227.**—In article 227 of the Constitution, after clause (4) the following clause shall be inserted, namely:—

“(5) Nothing in this article shall be deemed to confer on a High Court powers of superintendence over any court or tribunal constituted by or under any law relating to election to either House of Parliament or to the House or either House of Legislature of a State save as provided for by or under any law made by the appropriate Legislature in this respect.”

5. **Amendment of article 228.**—In article 228 the following proviso shall be added, namely:—

“Provided that nothing in this article shall be deemed to confer on a High Court powers to withdraw any case from any authority as may be provided under sub-clause (b) of article 329 save as provided for by

or under any law made by the appropriate Legislature.”

6. **Amendment of article 329.**—In article 329 of the Constitution, after sub-clause (b) the following sub-clause shall be added, namely:—

“(c) No court shall entertain any appeal, revision, writ application or other proceeding of any nature whatsoever against any order passed by any such authority as may be provided under sub-clause (b) of this article save as provided for by or under any law made by the appropriate Legislature.”

STATEMENT OF OBJECTS AND REASONS

The scheme of Part XV of the Constitution was framed with the intention that electoral matters should not be questioned in any court and that the election to either House of Parliament or to the either House of the Legislature of a State shall not be called in question except by an election petition presented to such authority and in such manner as may be provided for by or under any law made by the appropriate Legislature.

It is the sole right of the Legislature to examine and determine all matters relating to the election of its own members and it was with this idea and under the scheme of Part XV of the Constitution that the Representation of the People Act, 1951 made elaborate provisions about the constitution of Election Tribunals to deal with election cases. In the original Act there was no provision of any appeal against the order of the Tribunal. Decisions of Election Tribunals were declared to be final and conclusive.

But the High Courts under other provisions of articles 226, 227 and 228 and the Supreme Court under the provisions of articles 132 and 136 entertained appeal, revision, writ application or other proceedings against the order of the Election Tribunals.

All these have led not only to undue delay in disposal of election disputes, but the intention of the Constitution makers in providing special authority for the speedy trial of election petition and thus excluding the jurisdiction of courts in electoral matters, has not met with success.

The Bill is intended to exclude the jurisdiction of High Courts and the Supreme Court in election disputes save as provided for by or under any law made by the appropriate Legislature.

New Delhi:

The 4th April, 1963.

SHREE NARAYAN DAS.

ANNEXURE

Extracts from the Constitution of India

136. **Special leave to appeal by the Supreme Court.**—(1) Notwithstanding anything in this Chapter, the Supreme Court may, in its discretion, grant special leave to appeal from any judgment, decree, determination sentence or order in any cause or matter passed or made by any court or tribunal in the territory of India.

(2) Nothing in clause (1) shall apply to any judgment, determination, sentence or order passed or made by any court or tribunal constituted by or under any law relating to the Armed Forces.

226. **Power of High Courts to issue certain writs.**—(1) Notwithstanding anything in article 32 every High Court shall have power, throughout the territories in relation to which it exercises jurisdiction, to issue to any person or authority, including in appropriate cases any Government, within those territories directions, orders or writs, including writs in the nature of *habeas corpus*, *mandamus*, prohibition, *quo warranto* and *certiorari*, or any of them, for the enforcement of any of the rights conferred by Part III and for any other purpose.

(2) The power conferred on a High Court by clause (1) shall not be in derogation of the power conferred on the Supreme Court by clause (2) of article 32.

227. **Power of superintendence over all courts by the High Court.**—(1) Every High Court shall have superintendence over all courts and tribunals throughout the territories in relation to which it exercises jurisdiction.

(2) Without prejudice to the generality of the foregoing provision, the High Court may—

(a) call for returns from such courts;

(b) make and issue general rules and prescribe forms for regulating the practice and proceedings of such courts; and

- (c) prescribe forms in which books, entries and accounts shall be kept by the officers of any such courts.

(3) The High Court may also settle tables of fees to be allowed to the sheriff and all clerks and officers of such courts and to attorneys, advocates and pleaders practising therein:

Provided that any rules made, forms prescribed or tables settled under clause (2) or clause (3) shall not be inconsistent with the provision of any law for the time being in force and shall require the previous approval of the Governor.

(4) Nothing in this article shall be deemed to confer on a High Court powers of superintendence over any court or tribunal constituted by or under any law relating to the Armed Forces.

228. **Transfer of certain cases to High Court.**—If the High Court is satisfied that a case pending in a court sub-ordinate to it involves a substantial question of law as to the interpretation of this Constitution the determination of which is necessary for the disposal of the case, it shall withdraw the case and may—

- (a) either dispose of the case itself, or
(b) determine the said question of law and return the case to the court from which the case has been so withdrawn together with a copy of its judgment on such question, and the said court shall on receipt thereof proceed to dispose of the case in conformity with such judgment.

329. **Bar to interference by courts in electoral matters.**—Notwithstanding anything in this Constitution—

- (a) the validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies, made or purporting to be made under article 327 or article 328, shall not be called in question in any court;
(b) no election to either House of Parliament or to the House or either House of the Legislature of a State shall be called in question except by an election petition presented to such authority and in manner as may be provided for by or under any law made by the appropriate Legislature.

Extracts from Lok Sabha Debates Dated the 16th November, 1962, 13th September, 1963 and 22nd November, 1963

16th November, 1962

CONSTITUTION (AMENDMENT) BILL

(Amendment of articles 136, 226 etc.) by Shri Shree Narayan Das

Shri Shree Narayan Das (Darbhanga): May I seek your indulgence to introduce my Bill?

Mr. Deputy-Speaker: He was absent when called.

Shri Shree Narayan Das: I was in a meeting of the Estimates Committee.

Mr. Deputy-Speaker: He may move for leave to introduce it.

Shri Shree Narayan Das: I beg to move for leave to introduce a Bill further to amend the Constitution of India.

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Constitution of India."

The motion was adopted.

Shri Shree Narayan Das: I introduce the Bill.

13th September, 1963

CONSTITUTION (AMENDMENT) BILL

(Amendment of articles 136, 226, etc.) by Shri Shree Narayan Das

Shri Shree Narayan Das (Darbhanga): Sir, I beg to move:

"That the Bill further to amend the Constitution of India be taken into consideration."

This Bill seeks to amend five or six articles of our Constitution. It is intended to exclude the jurisdiction of the High Courts and Supreme Court in election disputes save as provided by or under any law made by the appropriate authority. In this regard article 329 says:

"Notwithstanding anything in this Constitution (a) the validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies made or purporting to be made under article 327 or article 328, shall not be called in question in any court;

- (b) no election to either House of Parliament or to the House or either House of the Legislature of a State shall be called in question except by an election petition presented to such authority and in such manner as may be provided for by or under any law made by the appropriate Legislature."

The whole scheme of this chapter of our Constitution was to make elections in India fair and free. It was for that purpose that an independent body like the Election Commission was created by the provisions contained in this Chapter. Because an elected assembly or House is a supreme body by itself the constitution and other matters relating to that body should be decided by that body itself. In many countries the provision is that if anything had to go before the court regarding elections, the court's jurisdiction could be exercised only to the extent to which powers are given by the Representation of the People Act. So, when the time came, before the first general elections, for this House to enact a law for the representation of the people in Parliament and State legislatures, the Act provided that no ordinary court could have jurisdiction with regard to election; it specifically stated in that Act that the decisions with regard to elections of the Election Tribunal constituted under article 329, would be conclusive and final. There shall be no appeal to any court, either High Court or the Supreme Court, of the country. But after the first general election was over, the Election Commission constituted a number of election tribunals to deal with election petitions. As soon as they were constituted, some aggrieved persons, aggrieved with the decision of the returning officers, approached the courts and in some cases they approached the High Courts also against the decision of the returning officer. These cases were in regard to the elections, rejection of nomination papers and acceptance of nomination papers. On some grounds or other, and they were taken to the court. There were various kinds of decisions, but in course of time, practically everything went to either the High Courts or the Supreme Court.

The articles which I intend to amend through this amending Bill are those which give a special power to the High Courts and the Supreme Court. Article 136 gives over-riding powers to the Supreme Court. I would like to quote it, though hon. Members might be knowing it. It reads like this:

"Notwithstanding anything in this Chapter, the Supreme Court may, in its discretion, grant special leave to appeal from any judgement, decree, determination, sentence or order in any cause or matter passed or made by any court or tribunal in the territory of India."

Under this article, a large number of cases against the decisions of the returning officers and against *ad interim* orders of the election tribunals were accepted by the Supreme Court. In similar circumstances, the provisions of article 226 give the high courts the power to issue certain writs and under the provisions of article 227, the high courts get the power of superintendence over all courts.

We found that the objective of the Representation of the People Act, 1951 in which we have made provisions—the Constitution had made provisions—was to see that the election matters are decided by the Election Tribunals, and the courts having nothing to do with them. But, as I have pointed out, under the provisions of the articles I have just mentioned, they were entertained by the courts. Ultimately, what happened? In some cases it took two or three years before the cases pending before the tribunals were taken to the High Courts, and it took a long time when a decision was made by the High Courts, and it took a long time in the Supreme Court also in cases of appeal under article 136.

Mr. Deputy-Speaker: The hon. Member might continue on the next non-official day. We will now take up half-an-hour discussion.

22nd November, 1963

CONSTITUTION (AMENDMENT) BILL

(Amendment of articles 136, 226 etc.) by Shri Shree Narayan Das

Mr. Deputy-Speaker: The House will now proceed with the further consideration of the following motion moved by Shri Shree Narayan Das on the 13th September, 1963:—

"That the Bill further to amend the Constitution of India be taken into consideration."

He has to continue his speech.

Shri Shree Narayan Das (Darbhanga): Sir, while moving this motion during the last session of the House I drew the attention of the House to article 329 of the Constitution. By that article the powers of ordinary courts were barred with regard to electoral matters. But even then, under the provisions of articles 226, 227 and 228 the High Courts, and under the provisions of articles 132 and 136 the Supreme Court, entertained various cases, including writ petitions, against the decisions of the tribunals. And the process went on in the way that several cases were not decided upon till the eve of the next general elections. Hon. Members of the House know that a large number of cases were pending up to the last, going from the Tribunal to the High Court and from the High Court to the Tribunal.

The purpose of my Bill is to restrict the powers of the Supreme Court and the High Courts in this respect. But it is not with the view that they should not come in. In other countries for a very long time the elected assembly or the elected body was independent of all control by the courts with regard to the composition of the House, and with regard to controversies arising out of elections it was the House itself which used to decide the cases. For a long time this went on. But for political reasons it was thought proper—because in a democracy there are so many parties, and the decisions in the House are taken on the basis of majority—therefore it was thought worth while by the House itself that controversies with regard to elections should be handed over to a special tribunal consisting of judges, not in the capacity of ordinary court judges but as nominated under the provision of an Act passed by that House itself. Therefore in U.K. also the provision is that election cases are handed over to a court consisting of two judges not in the capacity of an ordinary court but in the capacity of a special tribunal. Here in our country also the Constitution-makers thought that Parliament was the supreme body, and with regard to the composition and other electoral matters the independence of this body should be retained. It was for this reason that they made the provision in article 329 which I will read for the benefit of the House. The marginal heading of that article is “Bar to interference by courts in electoral matters.” And the article commences with these words, “Notwithstanding anything in this Constitution”. That suggests that whatever has been stated elsewhere in the Constitution by way of powers of the High Courts and the Supreme Court they will not exercise those powers with regard to those items if it is with regard to “the validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies”. And clause (b) of the article says:

“no election to either House of Parliament or to the House or either House of the Legislature of a State shall be called in question except by an election petition presented to such authority and in such manner as may be provided for by or under any law made by the appropriate Legislature.”

Under the provision of this article Parliament passed a law in 1951, namely the Representation of the People Act, where in provisions were made to deal with the controversies arising out of elections, and tribunals were to be set up. In that Act there are no provisions for any appeal to the High Court. But after the general elections, Parliament found that the interpretation given to this article 329 was different from the intention of the Constitution-makers and that every now and then on any decision of the tribunal appeals were filed either in the High Court or sometimes in the Supreme Court. When that Act was amended Parliament made the provision that such kinds of interference or taking cognizance of any minor matter decided by the tribunal should not be there, they are not to be taken to the court; and the High Court was given the power of hearing an appeal against the decisions of the tribunal. It was with this view that the High Court will get an opportunity, and if any injustice has been done by the decisions of the tribunal that will be looked into, and any point of law that the High Court will consider as deserving of attention will be considered. And the appeals were to be disposed of by the High Court within six months of the filing of the appeal. That is what was said in the Representation of the People Act.

But even then there was no end to it. The High Court and the Supreme Court went on—the High Court under the provisions of articles 226, 227 and 228 and the Supreme Court under the provisions of articles 132 and 136—entertaining cases. The result has been that the election decisions have been much delayed, to the detriment of those who have been elected and sometimes to the detriment of those who had filed the cases and who wanted to dislodge the Member who had been elected.

Shri Maurya (Aligarh): The time for disposal by the High Courts is three months or six months.

Shri Shree Narayan Das: In the present Representation of the People Act, it is six months.

Shri Maurya: I think it is three months.

Shri Shree Narayan Das: Six months.

Electoral matters deeply concern the elected body. The right to vote or the right to stand for election is not an ordinary right. Therefore, in the case of *N. P. Ponnuswamy vs. the Returning Officer, Namakkal* and others, the Supreme Court *inter alia*, made the following point:

“The right to vote or stand as a candidate for election is not a civil right but is a creature of a statute or special law and must be subject to the limitations imposed by it. Strictly speaking, it is the sole right of the legislature to examine and determine all matters relating to the election of its own members and if the legislature takes it out of its own hands and vests it in a special tribunal of entirely new and unknown jurisdiction, that special jurisdiction should be exercised in accordance with the law which creates it.”

In short, this means that if some powers are given to the courts under an Act of Parliament, those courts should exercise that power to that extent only. But in practice, all major and minor matters as decided by the tribunals, have been taken to High Courts and some times to Supreme Court and this has led to unnecessary delay.

Parliament has also the right to curtail the powers of the High Courts under section 170 of the Representation of the People Act. There was a provision in the old Act that no appeal shall lie against the decision of the tribunal. That point was considered by the courts, and the decision was that that section was not *ultra vires*. Under article 246 of the Constitution, read with Items No. 72 and 95 of List I of the Seventh Schedule thereof, Parliament has the exclusive power to make laws affecting the jurisdiction of the High Courts in election matters. This, however, does not oust the jurisdiction of the High Courts to intervene in election matters under article 226. Therefore, I have brought forward this Bill. An Hon. Member has given notice of an amendment that it may be circulated for eliciting public opinion. Because it is a very important matter and it involves some fundamental points, I agree it is necessary that the opinion of the public should be gathered before the House proceeds to consider this Bill.

Even now, in France it is the elected body which has the sole power to consider any points arising out of election matters. But in India, in order to avoid political pressures, we decided that all matters relating to administration of elections be given to the Election Commission. It is an independent body, and there is no interference by Government in its working. Similarly, in order to avoid political pressures, we made a provision in the Representation of the People Act for constitution of special tribunals consisting of retired Judges or acting Judges, and sometimes District and Session Judges. There is no danger, therefore, to the fairness and impartiality of elections.

My only point in bringing this measure is that there is enormous delay in the disposal of the cases by the High Courts and Supreme Court under various articles of the Constitution, which has practically resulted in justice being denied in very many cases. For instance, I remember a case in which an election petition was filed, and the decision was not given till the eve of the next election.

Therefore, this is a very important matter. If it is circulated for eliciting public opinion there is no harm. The House can consider every opinion that is received and then decide the matter in due course.

I once again emphasize that by this measure I am not going to take away all the powers of the courts. Parliament is supreme and under article 329 it has been specially laid down that there should be no interference by ordinary courts in election matters. But the High Courts will continue to enjoy the right of hearing appeals against the decisions of tribunals, but we will try to avoid the long delays arising out of cases under articles 136, 132, 226 and 227 before the High Courts and the Supreme Court, which practically results in denial of justice.

I hope the House will accept Shri Samanta's amendment.

Mr. Deputy-Speaker: Motion Moved:

“That the Bill further to amend the Constitution of India be taken into consideration.”

There are two amendments. Shri Raghunath Singh is not here. Shri Tiwari, Shri Samanta.

Shri S. C. Samanta (Tamluk): I beg to move:

“That the Bill be circulated for the purpose of eliciting opinion thereon by the 30th June, 1964.”

Mr. Deputy Speaker: The time allotted for this Bill is one hour. We have already taken 33 minutes, and only 27 minutes remain. Five minutes each.

Does the hon. Minister accept the amendment for circulation?

Shri S. C. Samanta: I am thankful to my hon. friend Shri Shree Narayan Das for bringing forward this Bill.

This thing has been disturbing our minds, and every now and then we have been putting questions to the Law Minister about the election cases that are pending, and he gives us reports. So, my hon. friend has brought this piece of legislation for the consideration of the House. Article 329 has been referred to by my hon. friend Shri Shree Narayan Das. It says that no election to either House of Parliament or to the House or either House of the Legislature of a State shall be called in question except by an election petition presented to such authority and in such manner as may be provided for by or under any law made by the appropriate Legislature. We have made a law, the Representation of the Peoples Act under this article by which we have empowered the election tribunal to deal with election cases. The other sections mentioned by my hon. friend to some extent give power to the Supreme Court and to High Courts to handle these tribunal cases also. The Supreme Court and the High Courts deal with election cases adjudged by the tribunal and it takes a long time. A person who was sitting in this House for more than four years was unseated at the end of the 4th year. In order to have speedy decisions, my hon. friend has given some suggestions.

Shri Maurya: Will you suggest some special procedure? Don't you think that the Civil Procedure Code will apply in the normal course?

Shri S. C. Samanta: These cases are those mentioned under article 329 and the High Courts and the Supreme Court have been given power. For that reason my friend has made some suggestions. If Government cannot make up its mind just now, it is better to have the legal opinion of the country and for that purpose I have proposed that it may be circulated for eliciting public opinion. I hope the Government will accept my proposition because of the gravity of the situation. So many election cases are pending before us. We would request the Government at least to accept the circulation motion.

Shri Maurya: Section 116(a) is clear about the time: it says every appeal shall be decided as expeditiously as possible and endeavour shall be made to determine it finally within three months from the date on which a memorandum of appeal is presented to the High Court. So, the period is not six months; it is three months.

श्री हेम राज (कांगड़ा): उपाध्यक्ष महोदय, जो विधेयक श्री श्रीनारायण दास ने पेश किया है जहां तक उसका मकसद है कि एलेक्शंस पेटिशनस जल्द से जल्द फैसला हो जाना चाहिए, वह ठीक ही है। इस बिल को लाने में जो उनका मकसद है, जो उनका अभिप्राय है उससे तो मैं थोड़ा सहमत हूँ क्योंकि हम ने देखा यह है कि एक एलेक्शन हो जाता है और एलेक्शन के बाद खास तौर से मुझे पंजाब की याद है कि एक एलेक्शन पेटिशन आई, दूसरा एलेक्शन भी हो गया, यह होशियारपुर का केस है, लेकिन उस का फैसला नहीं हुआ। दूसरे एलेक्शन के बाद तीसरा साल चला गया तब कहीं जाकर उस एलेक्शन पेटिशन का फैसला हुआ। इस किस्म के दूरी के केसेज एक दो नहीं हैं, गालिबन बहुत ज्यादा हैं। इस लिहाज से जो इस बिल को लाने का उनका मकसद है मैं समझता हूँ कि वह बहुत हद तक दुरुस्त है। खास तौर पर उन का जो मकसद है उनके मकसद से सिर्फ एक बात हल होती है और वह यह होती है कि कांस्टीट्यूशन के जो १३६, २२६ और २२८ नम्बर के प्राविजंस हैं और उनके मुताबिक हाईकोर्ट को जो रिट और मॉडेंस ईश्यू करने की पावर है, उनके अन्दर जो दखल देने का अधिकार है वह किसी हद तक दूर हो जाने चाहिए। लेकिन मैं एक बात नहीं समझ पाया कि हमारा यह जो रिप्रेजेंटेशन ऑफ़ दी पीपुल्स एक्ट है उसके सेक्शन ११६-बी में हमने हाईकोर्ट को पावर दी है कि अपील उनके पास हो सकती है। तीन महीने में उनको फैसला करना होगा और उनका जो फैसला होगा वह फाइनल होगा। ११६-बी इस तरह से है:-

"116(b) The decision of the High Courts on appeal under this chapter and subject only to such decisions the order of the tribunal under sections 98 and 99 shall be final and conclusive."

अब सवाल यह है कि अगर हाईकोर्ट के डीसीजन में कोई ऐसा

फैसला हो जो कि प्वाएंट आफ़ ला हो तो उसको हम किस तरीके से सुप्रीम कोर्ट में जाने से बार कर सकेंगे? अगर हम जूडिशियरी को कोई अधिकार देते हैं और जूडिशियरी कोई फैसला करती है तो उस फैसले में अगर कोई ला प्वाएंट इनवॉल्व हो जाता है क्योंकि जो भी ट्रिब्युनल हम बनाएं, चाहे इनकमटैक्स का ट्रिब्युनल बनाएं या कोई और ट्रिब्युनल बनाएं, अगर कोई ला प्वाएंट कहीं पर आ जाय तो उस ला प्वाएंट का आखिरी फैसला करने के लिए हमारे पास एक ही कोर्ट रह जाता है, सुप्रीम कोर्ट, जहां पर जाकर हम उस ला प्वाएंट का आखिरी फैसला ले सकते हैं। उसका जो जजमेंट होगा वह आखिरी होगा और वह फैसला सारे देश के लिए फाइनल हो जाता है। उससे आगे फिर कोई अपील नहीं रहती है। इस लिहाज से अगर देखा जाय तो उनके विधेयक का जो मंतव्य है, मकसद है, उससे हमें इतिफाक हो सकता है लेकिन जहां तक उसको हल करने के लिए उन्होंने जो तजवीज रखी है, उसमें कुछ कमियां रह जाती हैं जिन कमियों को दूर नहीं किया जा सकता। इसीलिए मैं समझता हूँ कि उन्होंने जब यह तजवीज रखी है कि इसको सरकारलेशन के लिए भेज दिया जाय तो मैं यह समझता हूँ कि यह मामला ऐसा नहीं है कि जो आर्ग्यूबल नहीं है। इसीलिए इसमें दोनों के लिए मुश्किल हो जाता है, जो उम्मीदवार जीता है और जो उम्मीदवार जीता नहीं है और जिसने पेटिशन दायर की है। अब जो उम्मीदवार जीत जाता है उसके बरीखलाफ़ एलेक्शन पेटिशन होती है और वह सिलसिला चलता रहता है, एक अनिश्चितता की तलवार उसके सिर पर लटकती रहती है। इसीलिए मैं चाहता हूँ कि इस पर जरूर गौर किया जाए। जो संशोधन श्री सामन्त ने रक्खा है कि इसको सरकारलेशन में भेज दिया जाए, वह एक मुनासिब संशोधन है और गवर्नमेंट को उसे मंजूर कर लेना चाहिए। अगर इसको सरकारलेंट कर दिया जाएगा तो बाद में दूसरों की सब रायें इस पर आने के बाद गवर्नमेंट सब पर गौर करके एक आखिरी अपना फैसला कर सकती है कि आया इसमें आईन्दा किसी और तरमीम की जरूरत है या नहीं।

इन शब्दों के साथ मैं श्री सामन्त की तरमीम को सपोर्ट करता हूँ और श्री श्रीनारायण दास जी जो विधेयक लाए हैं, उसका स्वागत करता हूँ।

The Minister of Law (Shri A. K. Sen): Mr. Deputy-Speaker, Sir, I have certainly given the best consideration to the Bill and the amendment, but I feel that it would not be proper to take away, the jurisdiction of the Supreme Court and of the High Courts. After I have said this, if it still the feeling of the House that it should be sent for circulation so far as the Government is concerned, it shall not oppose the motion for circulation. But I think after Shri Shree Narayan Das and Shri S. C. Samanta have heard me, they would not possibly insist upon its circulation.

We have provided for appeal to the High Courts against decisions of election tribunals under section 163(a) and (b). Where appeals have been provided, the position of the High Courts is that they would not interfere with article 226. It is only when there is no appeal provided for under any law that the decisions of tribunals may be interfered with either under article 226 or article 227. Therefore, when we provided in the last amendment to the Representation of the People Act for regular appeals after that, no interference has been made by any High Court under article 226 or 227.

Shri Shree Narayan Das: Some cases are pending.

Shri A. K. Sen: Only on interlocutory matters. But the decision itself has not been challenged by way of application under article 226. In fact, no one would advise a person to challenge a decision of the election tribunal under article 226.

Shri Shree Narayan Das: Then there is no necessity.

Shri A. K. Sen: But the hon. Member, being a lawyer, will agree that with regard to these interlocutory matters there is no regular appeal provided under the law nor any revision under section 115 of the Civil Procedure Code is provided. So, the litigants who are having their matters adjudicated upon by election tribunals have no other remedy but to approach the High Courts, and if there is an arroneous decision in an interlocutory matter. I for one would not be a party to the taking away of the only jurisdiction of the court to correct an error in regard to an interlocutory matter, because I have myself seen several interlocutory orders which were

outrageous and they could only be corrected by the high courts. The gravity for it would not be to try to curb the powers of the high courts under article 226; it should not be normally touched unless there is overwhelming reason for it. We have not ever tried to do it, but to provide for limited appeals in regard to interlocutory matters in the Representation of the People Act itself, I am thinking of it myself; having seen some of the interlocutory orders of some of the election tribunals, I am convinced that the high courts should have the power to interfere with some of these outrageous orders. Otherwise the litigants would have no remedy.

Shri Shree Narayan Das: Then make provision for that.

Shri A. K. Sen: For that the remedy would be to provide for specific appeals which were not thought of in 1956 when the amendments to the Representation of the People Act were made, and we should now think therefore, of providing remedies for litigants whose election petitions are pending or against whom election petitions before the election tribunals to challenge the interlocutory orders are pending final decision by the election tribunals. Therefore, I think we are all agreed that the proper remedy should be by way of a further amendment to section 116 of the Representation of the People Act. It will be proper to do, because, as it is, the high courts can interfere under article 226. Therefore, I can assure Shri Shree Narayan Das that we have already taken up this matter and possibly we shall soon be introducing an amendment to the Representation of the People Act, but we have done it only because we are thinking of other matters which might be taken along with this in order to bring about a comprehensive Bill for amendment of the Representation of the People Act. We should not normally touch article 226 if we can avoid it and since we can avoid it we should not really touch it. As I have said, ever since we have provided for regular appeals against the final decisions of election tribunals, there has been no interference under article 226.

The next point is about the Supreme Court's powers under article 136. It will be disastrous if the high courts remain the ultimate authorities without the Supreme Court having any power to decide finally on matters of law or on substantive matters of law of public interest. "Otherwise, we have got the experience of two or three high courts taking different points of view over the same question, and if we take away the jurisdiction of the Supreme Court in different States we will have different laws which will be rather unfortunate at least in this country where we have a uniform law in regard to everything. Therefore, if we give the right of appeal to a litigant, to prefer an appeal to the high courts against the decisions of the election tribunal, it is a logical sequence that we must provide for appeal, and not take away the right of appeal, to the Supreme Court. Here, the Supreme Court would grant special leave to appeal only after careful consideration of the matters involved. The Supreme Court, in a well-known decision on *Deena Bandhu Sahu vs. Jadhmani Mangraj* (AIR 1954/Supreme Court 411) laid down the criterion as follows, with regard to election tribunals:

"The Supreme Court does not, when hearing appeals under article 136, sit as a court of further appeals on facts and does not interfere with findings given on a consideration of evidence, unless they are perverse or based on no evidence."

So it is only where the findings on facts are absolutely perverse or based on no evidence that the Supreme Court comes in. They said:

"This is particularly so when the findings under challenge are those of election tribunals."

It is only on a matter of law that they entertain an appeal. It would be disastrous if different high courts have different decisions on points of law and yet on the same election law we have different election tribunals sitting in different States and deciding differently. Therefore, it is absolutely logical that we must provide an ultimate appeal to the Supreme Court on a point of law.

Here, what we are trying to do is not giving the right of appeal to the Supreme Court but trying to take away what is already there, and if the Supreme Court exercises this jurisdiction, it is very cautiously done, as they say, particularly in relation to election tribunals.

This is all I have to say. After what I have said, namely, that we are thinking of giving or making a provision in the Representation of the People Act itself providing for limited appeals or revisional jurisdiction in regard to interlocutory matters, I think Shri Shree Narayan Das would not press his motion.

Shri Shree Narayan Das: Mr. Deputy-Speaker, Sir, I am sorry that the hon. Minister of Law has not mentioned anything with regard to article 329. I stated that I am not against giving any powers either to the high courts or to the Supreme Court, if the House thinks proper. My only point is this. Ordinary courts have no powers with regard to electoral mat-

ters. The powers had been debarred. I am not against what ever the hon. Minister has stated. You may make a provision in the Representation of the People Act giving powers to the High Court to hear any appeals against any interlocutory orders. You can as well make a provision in the Representation of the People Act that Supreme Court can take cognizance of such things and decide points of law. I have no objection to that.

My only point is on principle. The principle, as it was understood at that time by the Constitution-makers and in other countries also, is that ordinary courts do not exercise any power with regard to electoral matters save and except those powers which are given by that elected body by an Act or under any law made therein. Therefore, he has not given any reply to my point. The Parliament is the supreme authority with regard to the composition and hearing of election tribunals and it was with that intention that we made a provision in the Representation of the People Act constituting tribunals consisting of retired judges or acting judges. Therefore, we do not want to curtail the power. We want to give more powers so that injustice may not be done in any case and political considerations may not come in. But the general powers given in the Constitution under that article should be exercised for ordinary rights. But the right to stand for election is not an ordinary right. It is a right given by the Constitution. Therefore, that should not be interfered with by the courts in the ordinary course. Therefore although a Constitution amendment requires the support of two-thirds majority, I would even now request the hon. Minister to agree to the circulation of the Bill for eliciting public opinion. There is no harm if on this fundamental point, the opinions of Bar Associations and of Judges themselves are invited.

Shri A. K. Sen: I said, Government does not make an issue of it and we will not oppose it. I said, after hearing me, if the House feels that it should be sent for circulation for eliciting opinion, Government will not make it an issue and will not oppose it.

Shri Shree Narayan Das: Therefore, under these circumstances, I would appeal to hon. Members to allow this measure to be circulated for eliciting public opinion. When the opinions are received, we decide whether we should proceed with this or drop this. So I support the motion moved by my hon. friend, Shri Samanta, that the Bill be circulated for eliciting public opinion thereon.

Mr. Deputy-Speaker: The question is:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 30th June, 1964."

The motion was adopted.

By Order,

R. K. BAWEJA,

Secretary (Law & Judicial),
Delhi Admn., Delhi.

Delhi, the 13th February 1964

No. F.24(5)/61-M&PH.—In exercise of the powers conferred by section 29 of the East Punjab Ayurvedic and Unani Practitioners Act, 1949, as in force in the Union Territory of Delhi, the Chief Commissioner Delhi is pleased to make after previous publication, the following rules further to amend the Delhi Ayurvedic and Unani Practitioners' Rules, 1950.

RULES

1. **Short title.**—These rules may be called the Delhi Ayurvedic and Unani Practitioners' Rules, 1964.

2. **Amendment of rule 7.**—In rule 7 of the Delhi Ayurvedic and Unani Practitioners' Rules, 1950, (hereinafter referred to as the said Rules), after item (g) of Clause (xii) the following item shall be inserted namely:—

"(h) Chemical of any type is used in recording votes thereon".

3. **Amendment of rule 19.**—In sub-rule (2) of rule 19 of the said Rules, for the word "division" the word "ballot" shall be substituted.

4. **Amendment of rule 69.**—Rule 69 of the said Rules—

"(a) In clause (i) after the word "Ayurvedic" wherever it occurs, the words "or Unani" shall be inserted;

(b) Clause (ii) shall be omitted; and

(c) The existing Clause (iii) shall be re-numbered as clause (ii)."

5 Amendment of Appendix 'A'.—A Appendix 'A' to the said Rules, under the heading "Instructions" in paragraph 5 after item "(h)", the following item shall be inserted namely:—

- "(i) Chemical of any type is used in recording votes thereon."

By Order,

DES RAJ,

Under Secy. (Medical and Public Health),
Delhi Admn., Delhi.

ORDER

Delhi, the 13th February, 1964

No F.6(6)/62-SCC.—In pursuance of sub-section (2) of section 40 of the Defence of India Act, 1962 (51 of 1962), and in supersession of his Order No. F.6(6)/62-SCC, dated the 24th May 1963, the Administrator of the Union Territory of Delhi hereby directs that the powers conferred on the State Government under sub-rules (1) and (2) of rule 6 of the Defence of India Rules, 1962, shall, in relation to the Meteorological Radar Unit, Karbala Lane, New Delhi, declared as a protected place by his Order No. F. 6(6)/62-SCC, dated the 20th December 1962, be exercisable by the Officer-in-charge, Meteorological Radar Unit, Karbala Lane, New Delhi, subject to the following conditions, namely:—

- (a) that in exercise of such powers the said Officer-in-charge shall comply with such general or special directions as the Administrator may from time to time issue, and
- (b) that notwithstanding this entrustment, the Administrator may himself exercise any of the said powers should be deem fit to do so in any case.

2. The Administrator is further pleased to authorise the said Officer-in-charge for the purposes of sub-rule (3) of the said Rule in rest of the said protected place.

By Order,

S. C. VAJPEYI,

Under Secretary (Appointments),
Delhi Administration, Delhi.

Delhi, the 7th February 1964

No. F.2(141)/64-Rev.-Estt.(i).—In exercise of the powers conferred by section 7 of the Delhi Land Revenue Act, 1954, the Chief Commissioner, Delhi is pleased to appoint Shri R. B. L. Mathur, Sub-Divisional Magistrate (Nizamuddin) to be a Revenue Assistant in the Union Territory of Delhi.

No. F.2(141)/64-Rev.-Estt.(ii).—Under clause (b) of Sub-section (1) of section 27 of the Punjab Land Revenue Act,

1887, the Chief Commissioner, Delhi, is pleased to confer on Shri R. B. L. Mathur, Sub-Divisional Magistrate (Nizamuddin) powers of an Assistant Collector of the first grade in the Union Territory of Delhi, with effect from the date of issue of this notification.

No. F.2(141)/64-Rev.-Estt.(iii).—Under the provisions of sub-section (1) of section 15 of the Uttar Pradesh Land Revenue Act, 1901, the Chief Commissioner, Delhi, is pleased to appoint Shri R. B. L. Mathur, Sub-Divisional Magistrate (Nizamuddin) to be an Assistant Collector of the first class in the Union Territory of Delhi with effect from the date of issue of this notification.

No. F.2(141)/64-Rev.-Estt.(iv).—In pursuance of the provisions of clause (6) of section 3 of the Delhi Land Reforms Act, 1954, the Chief Commissioner, Delhi, is pleased to empower Shri R. B. L. Mathur, Sub-Divisional Magistrate (Nizamuddin), Assistant Collector of the first class, Delhi, to discharge the functions of a Deputy Commissioner for the purposes of Chapter IV of the said Act, with effect from the date of issue of this notification.

No. F.2(141)/64-Rev.-Estt.(v).—Under the proviso to section 172 of the Agra Tenancy Act, 1901, the Chief Commissioner, Delhi, is pleased to empower Shri R. B. L. Mathur, Sub-Divisional Magistrate (Nizamuddin) Assistant Collector of the first class to try suits under sections 40, 42, 43 and 48 of the said Act with effect from the date of issue of this notification.

By Order,

S. G. BOSE MULLICK,

Secretary (Revenue),
Delhi Admn. Delhi.

MUNICIPAL CORPORATION OF DELHI

ORDER

Delhi, the 11th February 1964

No. F. 114/SO.—In exercise of the powers conferred on me by section 36 of the Slum Areas (Improvements and Clearance) Act, 1956 (96 of 1956), I, R. R. Bahl, Commissioner, Municipal Corporation of Delhi and Competent Authority under the said Act, direct that the powers conferred on me by sections 19, 22 and 23 of the said Act shall, subject to my supervision and control, also be exercised by Shri Manohar Lal, Assistant Commissioner, Municipal Corporation of Delhi.

ILLEGIBLE.

Commissioner,

Municipal Corporation of Delhi.